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December 18, 2020

1005

The Honorable Ajit Pai  
Chairman, Federal Communications Commission  
445 12<sup>th</sup> Street NW  
Washington, DC 20554

Dear Chairman Pai:

Thank you for the work the Federal Communications Commission (FCC) has done thus far to help close the digital divide through the Rural Digital Opportunity Fund (RDOF). Providing funding to deploy broadband to unserved areas in rural communities is a shared priority of ours. It is encouraging to know how many West Virginians will be positively impacted through this program.

On December 7, 2020, the FCC announced the results of the first RDOF auction, which allocated over \$362 million in support of expanding broadband in West Virginia over the next 10 years. Of the \$362 million, nearly \$250 million was awarded to Frontier Communications. While it is encouraging to hear these funds will give 218,000 West Virginians access to high-speed broadband, concerns remain about the ability of Frontier to meet their obligations as a provider.

In April, Frontier filed for Chapter 11 bankruptcy while maintaining that customers in West Virginia would see no disruptions to their service. The filing brings into question both the ability of Frontier to improve on existing services and finance future investments in the RDOF program. The expectation of the reverse action is that telecommunications companies may have to invest funds that exceed the subsidy given by the FCC. While Frontier is climbing their way out of financial peril, it does not seem responsible to take on the duty of building a network that will deliver gigabit level service to a large portion of our state.

Aside from their financial turmoil, Frontier has also come under investigation for its poor service and misuse of funds. In 2010, West Virginia took federal stimulus funds and awarded them to Frontier under the Broadband Technology Opportunities Program. The goal was to expand high-speed internet services across the state. Not only did Frontier scale back their initial delivery promises, but they also billed nearly \$4.25 million in extra charges to pay for administrative costs. West Virginia was required to repay nearly \$5 million back to the federal government, a major setback in their plans to expand broadband services in the state. Giving nearly \$250

million in federal funding through the RDOF program to a company accused of misusing funds in the past is risky and irresponsible.

I urge you to take all of this into consideration when reviewing Frontier's long-form application. If your findings show that Frontier lacks the capability to deliver on the promise of a gigabit network in West Virginia, then the application should be rejected.

West Virginians deserve access to reliable broadband services. The RDOF program provides us with the unique opportunity to close the digital divide in West Virginia's most rural areas. This will be a heavy lift, but one that has the ability to bring our state into the 21<sup>st</sup> century. We cannot afford to squander this opportunity by providing it to a company that has proven to not have the capability of delivering on their promises.

Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "David B. McKinley". The signature is stylized, with a large loop at the beginning and a long horizontal stroke extending to the right.

David B. McKinley, P.E.  
Member of Congress